IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No. 23815 OF 2000

Date:25.07.2007

BETWEEN:

Association of Management of Private
Affiliated Colleges of Andhra Pradesh,
Rep. By its General Secretary.

.... PETITIONER

And

The Andhra pradesh Transmission Corporation
Of Andhra Pradesh Limited, rep. By its Chief
Managing Director, Hyderabad.

.... RESPONDENT

ORDER:

The Association of Management of Private Affiliated Colleges of Andhra Pradesh invoked the Mandamus jurisdiction of this Court under Article 226 of the Constitution of India to quash the notification T.O.O. (Commercial) M.S.No.50, dated 03.06.2000 as published in A.P. Gazette issued by the respondent corporation classifying Aided Educational Institutions under Non-domestic and commercial category for the purpose of levying electric charges as illegal and arbitrary, and to extend the same benefit as extended to the Government colleges, which are classified as domestic.

The main ground on which the petitioner seeks to challenge the above notification is that though both private aided colleges and Government colleges are treated alike, classifying the educational institutions run by the non-government organizations or private trusts providing hostel facilities to the students as non-domestic category is discriminatory and violative of Article 14 of the Constitution of India.

Learned counsel for the petitioner is unable to substantiate how Article 14 is offended in classifying the private aided colleges as non-domestic and commercial category for the purpose of levying electricity consumption

charges. He has also not disputed the fact that the said colleges are receiving grant-in-aid from the government and collecting fees from the students apart from exorbitant admission fee, building fund etc., at the time of admission of the students, which the government colleges did not collect except nominal fee, and hence do not form a homogenous class to treat alike. Further for attracting Article 14, necessary facts have to be pleaded. How the notification could be discriminatory in nature has not been stated except vague assertion.

Though both are imparting education, in view of the fact that the fee structure is different from that of the government colleges, and receipt of grant-in-aid by the private institutions itself can be treated as different as that of the government colleges, challenge to the notification on the ground of discrimination and violation under Article 14 of the Constitution of India cannot be sustained.

Accordingly, the Writ Petition is dismissed. No costs.

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(A. Gopal Reddy, J.)

25th July, 2007
Js.